

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)
The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: DECEMBER 17, 2021. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 1424 9TH AVENUE, PO BOX 201601, HELENA, MT 59620-1601 FAX: 406-444-9317 PHONE: 406-444-6999.

Application Number: 41B 30122052

Applicant: HRL INC
19200 MT HIGHWAY 278
DILLON, MT 59725 9768

WATER RIGHT NUMBER(S) BEING CHANGED

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	41B 142923-00	SEPTEMBER 15, 1904
Historical Flow Rate: 3.75 CFS	Historical Consumptive Volume: 35.75 AC-FT	
	Historical Diverted Volume: 100.70 AC-FT	

PAST USE OF WATER

THE MONTANA WATER COURT PRELIMINARY DECREE FOR BASIN 41B, ISSUED ON MAY 9TH, 2013, IDENTIFIED AN IRRIGATION USE OF 306 ACRES FOR 41B 142923-00 IN THE SW OF SEC. 29 (1 ACRE) AND THE N2 OF SEC. 32 (305 ACRES) ALL IN TOWNSHIP 7 SOUTH (T7S), RANGE 9 WEST (R9W), BEAVERHEAD COUNTY. THIS WATER RIGHT HAS A CLAIMED FLOW RATE OF 3.75 CUBIC FEET PER SECOND (CFS) AND A VOLUME OF 100.7 ACRE FEET (AF). THE PRIMARY POD IS A DAM ON ESTLER RESERVOIR LOCATED IN THE NWSENE OF SEC. 29, T5S, R11W, AND WILL NOT CHANGE. THE SECONDARY POD'S ARE LOCATED IN THE NENWNW OF SEC. 32, T7S, R9W. THE CLAIMED PERIOD OF DIVERSION IS FROM JANUARY 1 TO DECEMBER 31, AND THE PERIOD OF USE IS FROM JULY 1 TO NOVEMBER 1 ANNUALLY.

PROPOSED CHANGE

FLOW RATE: 3.75 CFS **VOLUME:** 100.70 AC-FT **ACRES:** 1,168.40

THE APPLICANT PROPOSES TO CHANGE THE SECONDARY POINT OF DIVERSION (POD) AND PLACE OF USE (POU) OF CLAIM NO. 41B 142923. THE PRIMARY DIVERSION IS LOCATED IN THE NWSENE OF SECTION 29, T5S, R11W, IN BEAVERHEAD COUNTY, AND WILL NOT BE CHANGED. WATER WILL CONTINUE TO BE RELEASED FROM THE PRIMARY POD AT ESTLER RESERVOIR USING RATTLESNAKE CREEK AS A NATURAL CARRIER TO THE PROPOSED SECONDARY POINTS OF DIVERSION LOCATED IN THE NENENW (4 DIVERSIONS), AND THE NWNESE OF SECTION 30, T7S, R9W, AND THE NESENE OF SECTION 24, R7S, 10W, ALL IN BEAVERHEAD COUNTY. WATER WILL SUPPLEMENT THE ENTIRE PLACE OF USE OF HRL'S HISTORIC WATER RIGHTS FROM RATTLESNAKE CREEK AND ESTLER CREEK, 41B 110576 THROUGH 41B 110588, (13 CLAIMS) THAT IRRIGATE 1168.40 ACRES. THE PROPOSED PLACE OF USE IS LOCATED IN SECTION 29, 30, AND 31 OF T7S, R9W, THE NE AND SE OF SECTION 25, T7S, R10W, AND THE NE AND NW OF SECTION 6, T8S, 9W, ALL IN BEAVERHEAD COUNTY.

ADDITIONAL INFORMATION

HRL, INC. DOES NOT OWN THE HISTORIC PLACE OF USE, PER QUIT CLAIM DEED NO. 291581 RECORDED IN BEAVERHEAD COUNTY ON 11/8/2018, WATER RIGHT CLAIM NO. 41B 142923 WAS SEVERED FROM THE HISTORICAL POU AND CONVEYED TO HRL INC. HRL IS CHANGING THE POU AND SECONDARY POD'S TO SUPPLEMENT THEIR LAND. AN OWNERSHIP UPDATE WAS FILED ON 1/11/2019 AND PROCESSED 1/14/2019 BY THE DEPARTMENT TO REFLECT OWNERSHIP OF HRL INC. AS THE OWNER OF RECORD FOR CLAIM NO. 41B 142923.

PUBLISHED IN: DILLON TRIBUNE ON NOVEMBER 3, 2021.